

## **REMARKS**

Applicants would like to thank the Examiner for the careful consideration given the present application. Reconsideration and allowance of the application and pending claims 82-83, 91-96, 104-109, and 117-120 are respectfully requested.

Claims 84-90, 97-103, and 110-116 have been canceled. Claims 82, 95, and 108 have been amended.

### **I. Response to Arguments filed 11/13/2006**

In the Office Action's Response to Arguments filed 11/13/2006, it is suggested that there are no indications in Tomita et al. (U.S. Pub. No. 2001/0013127) or in the present specification of multiple modifications of start-up screens or initial views. While Applicants maintain that the screens and views are different from each other, as addressed in more detail below, Applicants respectfully maintain that a reasonably skilled person would interpret both Tomita et al. and the present specification to allow for multiple modifications since there is no indication that users of either system would be given one and only one opportunity to make such modifications of their respective screens and views. Furthermore, there are no disclosed reasons or advantages for limiting the use of such modification functionality. Consequently, Applicants interpret the Office Action's statements as simply alleging the lack of explicit disclosure of multiple modifications in Tomita et al. and the present specification, and not that a reasonably skilled person would interpret either Tomita et al. or the present specification to only support one-time modifications. Furthermore, Applicants respectfully request additional clarification if such conclusions are not considered accurate.

## **II. Claim Rejections – 35 U.S.C. §112 Rejection**

Claims 84-90, 97-103, and 110-116 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 84-90, 97-103, and 110-116 have been canceled. Therefore, the 112 rejection is moot and should be withdrawn.

## **III. Claim Rejections – 35 U.S.C. 103**

Claims 82-89, 92-102, 105-115, and 118-120 stand rejected under 35 U.S.C. 103(a) as being as being unpatentable over Tomita et al. (U.S. Pub. No. 2001/0013127) in view of LaJoie et al. (U.S. Patent No. 5,850,218). Claims 84-89, 97-102, and 110-115 have been canceled. Claims 82, 95, and 108 have been amended. For at least the following reasons, Applicants respectfully traverse this rejection.

### **A. Independent Claim 82**

Claim 82 recites (with emphasis added),

A set-top terminal (STT) comprising:

memory configured to store an interactive program guide (IPG), the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed; and

a processor in communication with the memory, the processor configured to control the IPG to display the program information;

wherein the processor is further configured to receive an activation instruction from a viewer to change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information;

wherein the processor is further configured to receive an arrangement instruction from the viewer to ***display the program information in one of at least two views including at least a time view and a theme view;***

***wherein the time view presents the program information based on start times and listed in an order based on channel numbers;***

***wherein the theme view presents multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category;***

***wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view; and***

***wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer.***

1. None of the references disclose or suggest, “wherein the processor is further configured to receive *an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view*” and “display the program information in *one of at least two views including at least a time view and a theme view*; wherein the *time view presents the program information based on start times* and listed in an order based on channel numbers; wherein the *theme view presents multiple theme categories with the program information grouped by a particular theme category* and listed in an order based on time within the particular theme category” recited in claim 82.

The Office action, on page 7, refers to paragraph 95 and Fig. 14 of Tomita as disclosing “wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two view as an initial view when the display screen is initially changed to the IPG view”.

According to Tomita in paragraph 95,

At the step ST9, the broadcast-program-information supplying program 300 creates a setting screen which is used for setting customized categories (only the television programs falling into these categories will be displayed on a listing of television program), customized time slots (only the television programs in these time slots will be displayed on a listing of television programs), and a start-up screen (this start-up screen will be displayed at the time of starting up).

... FIG. 14 is an illustrative drawing showing an example of the setting screen.

The Tomita drawing in Fig. 14 shows a “Start Up Screen” section, which includes the following: Main Menu, Listing of Programs, Customized Listing of Programs, and Special Coverage.

Even if, assuming for the sake of argument, a customized list of programs is set as a Tomita start-up screen and the start-up screen is displayed at the time of starting up, Tomita fails to disclose or suggest that the Tomita viewer is able *to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view* as described in claim 82, which explicitly includes changing from a program view predominantly showing a television program.

In addition, as recited in Applicants' claim 82, the “at least two views” include “at least a time view and a theme view”. The Tomita “Start Up Screen” section in Fig. 14 includes Main Menu, Listing of Programs, Customized Listing of Programs, and Special Coverage. Tomita discloses that the Listing of Programs creates a listing of all television programs, which is displayed in a view as seen in Fig. 9. In Tomita, the Customized Listing of Programs creates a listing of only those television programs that matches the viewer's selected channels, categories, or time. However, Applicants submit that there is no disclosure anywhere in Tomita that the Customized Listing of Programs is displayed in a listing view different from that of Fig. 9. Thus, Tomita's Listing of Programs and Customized Listing of Programs may have a *different number* of television programs, but they would have *the same listing view* of the television programs.

Further, Applicants submit that there is no disclosure anywhere in Tomita of the viewer selecting a “theme view” that “*presents multiple theme categories with the program information grouped by a particular theme category*” as *an initial view* as specifically claimed in claim 82.

Since Tomita's Listing of Programs and Customized Listing of Programs have the same listing view and the Tomita viewer cannot select a theme view as an initial view, the Tomita viewer cannot select one of a time view and a theme view as an initial view for when the display

screen is initially changed to an IPG view. Therefore, Tomita does not disclose or suggest the processor is further configured *to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view* as described in claim 82. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Thus, even if combined, the references do not disclose or suggest all the elements of claim 82.

2. Further with regard to claim 82, none of the references disclose or suggest, “wherein, upon receiving *an activation instruction from the viewer*, the processor is further configured to *display the program information in the initial view selected by the viewer*” as recited in independent claim 82.

The Office action, on page 8, refers to paragraph 95 and Fig. 14 of Tomita as disclosing “wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer (the examiner notes that the user can customize the categories and times that program listings are restricted to and can then set the customized listing of programs as the start up screen that is shown upon activation)”.

Even if, assuming for the sake of argument, a Tomita start-up screen can be set to display a customized list of programs at the time of starting up, Tomita fails to teach or suggest the start-up screen that is displayed “at the time of starting up” is a screen that results from *an activation request from the viewer* that configures the processor to *display the program information in the initial view selected by the viewer* as described in claim 82.

Tomita discloses in paragraphs 66-67 (with emphasis added),

At a step ST1, upon an activation request from a user operating the personal computer 33, the broadcast-program-information supplying program

300 creates an initial screen and sends it to the personal computer (terminal device) 33, so that the initial screen is displayed on the monitor display 34 of the personal computer 33. ... As shown in figure [8], the initial screen includes a program-listing button 40, a customized-program-listing button 41, and a profile-management button 42.

According to paragraphs 81-82 of Tomita, when the profile management button 42 is selected an “initial-setting screen” is displayed as seen in Fig. 10, which includes a standard button 60 and modify buttons 61 through 63. In paragraph 95 of Tomita, the following occurs when modify button 62 is selected (with emphasis added),

At the step ST9, the broadcast-program-information supplying program 300 creates a setting screen which is used for setting customized categories (only the television programs falling into these categories will be displayed on a listing of television program), customized time slots (only the television programs in these time slots will be displayed on a listing of television programs), and a start-up screen (this start-up screen will be displayed at the time of starting up).

... FIG. 14 is an illustrative drawing showing an example of the setting screen.

The Tomita drawing in Fig. 14 shows a “Start Up Screen” section, which includes the following: Main Menu, Listing of Programs, Customized Listing of Programs, and Special Coverage.

However, Tomita also discloses in paragraph 82, “The modify button 62 [of the initial-setting screen] is used for making a request to change customized categories, customized time, and a start-up screen” (emphasis added). Tomita also discloses in paragraph 94, “the modify button 62 (which is used for modifying customized categories, customized time slots, or a start-up screen)” (emphasis added).

Applicants submit that there is no disclosure anywhere in Tomita that equates the start-up screen with the screen that comes up when receiving an activation instruction from the

viewer. Tomita merely states that the “start-up screen will be displayed at the time of starting up” without further explanation.

Thus, Tomita does not disclose or suggest upon receiving *an activation instruction from the viewer*, the processor is further configured to *display the program information in the initial view selected by the viewer* as described in claim 82. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Therefore, even if combined, the references do not disclose or suggest all the elements of claim 82.

Applicants respectfully request that the rejection to claim 82 be withdrawn. Because independent claim 82 is allowable over the references, dependent claims 83, and 91-94 are allowable as a matter of law.

## B. Independent Claim 95

Claim 95 recites (with emphasis added),

95. An interactive program guide (IPG) stored in memory and executed by a processor, the IPG comprising:

display logic configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed;

activation logic configured to receive an activation instruction from a viewer to change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information;

arrangement selection logic configured to receive an arrangement instruction from the viewer to *display the program information in one of at least two views including at least a time view and a theme view, the time view presenting the program information based on start times and listed in an order based on channel numbers, and the theme view presenting multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category;*

*initial view selection logic configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view; and*

*initial view displaying logic configured, in response to the activation logic receiving the activation instruction from the viewer, to display the program information in the initial view selected by the viewer.*

1. None of the references disclose or suggest, “initial view selection logic configured to receive *an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view*” and “display the program information in *one of at least two views including at least a time view and a theme view, the time view presenting the program information based on start times and listed in an order based on channel numbers, and the theme view presenting multiple theme categories with the program information grouped by a particular theme category* and listed in an order based on time within the particular theme category” as recited in claim 95.

The Office action, on page 7, refers to paragraph 95 and Fig. 14 of Tomita as disclosing these elements.

Even if, assuming for the sake of argument, a customized list of programs is set as a Tomita start-up screen and the start-up screen is displayed at the time of starting up, Tomita fails to disclose or suggest *an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view* as described in claim 95, which explicitly includes changing from a program view predominantly showing a television program.

In addition, as recited in Applicants' claim 95, the “at least two views” include “at least a time view and a theme view”. As mentioned previously for claim 82, Applicants submit that there is no disclosure anywhere in Tomita that the Customized Listing of Programs is displayed in a listing view different from that of the Listing of Programs as seen in Fig. 9. Thus, Tomita's Listing of Programs and Customized Listing of Programs may have a *different number* of television programs, but they would have *the same listing view* of the television programs.

Further, Applicants submit that there is no disclosure anywhere in Tomita of the viewer selecting a “theme view” that presents “multiple theme categories with the program information grouped by a particular theme category” as *an initial view* as specifically claimed in claim 95.

Since Tomita’s Listing of Programs and Customized Listing of Programs have the same listing view and the Tomita viewer cannot select a theme view as an initial view, the Tomita viewer cannot select one of a time view and a theme view as an initial view for when the display screen is initially changed to an IPG view. Therefore, Tomita does not disclose or suggest initial view selection logic configured to receive *an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view* as described in claim 95. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Therefore, even if combined, the references do not disclose or suggest all the elements of claim 95.

2. Further with regard to claim 95, none of the references disclose or suggest, “initial view displaying logic configured, in response to the activation logic *receiving the activation instruction from the viewer, to display the program information in the initial view selected by the viewer*” as recited in independent claim 95.

The Office action, on page 8, refers to paragraph 95 and Fig. 14 of Tomita as disclosing these elements.

Even if, assuming for the sake of argument, a Tomita start-up screen can be set to display a customized list of programs at the time of starting up, Tomita fails to teach or suggest the start-up screen that is displayed “at the time of starting up” is a screen that results from *an initial-IPG-view instruction for the viewer to display the program information in the initial view selected by the viewer* as described in claim 95.

As mentioned previously for claim 82, Applicants submit that there is no disclosure anywhere in Tomita that equates the start-up screen with the screen that comes up when receiving an activation instruction from the viewer. Tomita merely states that the “start-up screen will be displayed at the time of starting up” without further explanation.

Thus, Tomita does not disclose or suggest initial view displaying logic configured, in response to the activation logic *receiving the activation instruction from the viewer, to display the program information in the initial view selected by the viewer* as described in claim 95. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Therefore, even if combined, the references do not disclose or suggest all the elements of claim 95.

Applicants respectfully request that the rejection to claim 95 be withdrawn. Also, claims 96, and 104-107 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable claim 95.

### C. Independent Claim 108

Claim 108 recites (with emphasis added),

108. A method for presenting information related to a plurality of television programs to a viewer, the method comprising:

storing an interactive program guide (IPG) in a memory unit contained within a set-top terminal, the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed;

receiving a request from the viewer to *display the program information in one of at least two views including at least a time view and a theme view, wherein the time view presents the program information based on start times and listed in an order based on channel numbers, and the theme view presents multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category;*

*receiving a request from the viewer to select an initial IPG view for defining one of the at least two views as an initial view when the display screen is changed from a program view predominantly showing a television program to an IPG view predominantly showing program information;*

receiving a request from the viewer to change the display screen from the program view to the IPG view; and

*displaying the program information in the initial view selected by the viewer in response to receiving the request to change the display screen to the IPG view.*

1. None of the references disclose or suggest, “*receiving a request from the viewer to select an initial IPG view for defining one of the at least two views as an initial view when the display screen is changed from a program view predominantly showing a television program to an IPG view predominantly showing program information*” and “*display the program information in one of at least two views including at least a time view and a theme view, wherein the time view presents the program information based on start times and listed in an order based on channel numbers, and the theme view presents multiple theme categories with the program information grouped by a particular theme category*” and listed in an order based on time within the particular theme category” as recited in claim 108. The Office action, on page 7, refers to paragraph 95 and Fig. 14 of Tomita as disclosing these elements.

Even if, assuming for the sake of argument, a customized list of programs is set as a Tomita start-up screen and the start-up screen is displayed at the time of starting up, Tomita fails to disclose or suggest *receiving a request from the viewer to select an initial IPG view for defining one of the at least two views as an initial view when the display screen is changed from a program view to an IPG view as described in claim 108, which explicitly includes changing from a program view predominantly showing a television program.*

In addition, as recited in Applicants’ claim 108, the “at least two views” include “at least a time view and a theme view”. As mentioned previously for claim 82, Applicants submit that there is no disclosure anywhere in Tomita that the Customized Listing of Programs is displayed in a listing view different from that of the Listing of Programs as seen in Fig. 9. Thus, Tomita’s Listing of Programs and Customized Listing of Programs may have a *different number* of television programs, but they would have *the same listing view* of the television programs.

Further, Applicants submit that there is no disclosure anywhere in Tomita of the viewer selecting a “theme view” that presents “multiple theme categories with the program information grouped by a particular theme category” as *an initial view* as specifically claimed in claim 108.

Since Tomita’s Listing of Programs and Customized Listing of Programs have the same listing view and the Tomita viewer cannot select a theme view as an initial view, the Tomita viewer cannot select one of a time view and a theme view as an initial view for when the display screen is initially changed to an IPG view. Therefore, Tomita does not teach or suggest *receiving a request from the viewer to select an initial IPG view for defining one of the at least two views as an initial view when the display screen is changed from a program view to an IPG view* as described in claim 108. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Therefore, even if combined, the references do not disclose or suggest all the elements of claim 108.

2. Further with regard to claim 108, none of the references disclose or suggest,  
*“displaying the program information in the initial view selected by the viewer in response to receiving the request to change the display screen to the IPG view”* as recited in independent claim 108.

The Office action, on page 8, refers to paragraph 95 and Fig. 14 of Tomita as disclosing these elements.

Even if, assuming for the sake of argument, a Tomita start-up screen can be set to display the customized list of programs at the time of starting up, Tomita fails to teach or suggest the start-up screen that is displayed “at the time of starting up” is a screen that displays *the program information in the initial view selected by the viewer in response to receiving the request to change the display screen to the IPG view* as described in claim 108.

As mentioned previously for claim 82, Applicants submit that there is no disclosure anywhere in Tomita that equates the start-up screen with the screen that comes up when receiving an activation instruction from the viewer. Tomita merely states that the “start-up screen will be displayed at the time of starting up” without further explanation.

Thus, Tomita does not disclose or *displaying the program information in the initial view selected by the viewer in response to receiving the request to change the display screen to the IPG view* as described in claim 108. The addition of LaJoie does not cure the deficiencies of Tomita discussed above. Therefore, even if combined, the references do not disclose or suggest all the elements of claim 108.

Applicants respectfully request that the rejection to claim 108 be withdrawn. Claims 109, and 117-120 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable claim 108.

### **III. Claim Rejections – 35 U.S.C. 103**

Claims 90, 103, and 116 stand rejected under 35 U.S.C. 103(a) as being as being unpatentable over Tomita et al., in view of LaJoie et al., and further in view of Bedard (U.S. Patent No. 5,801,747). Claims 90, 103, and 116 have been canceled. Therefore, the 103 rejection is moot and should be withdrawn.

### **IV. Claim Rejections – 35 U.S.C. 103**

Claims 91, 104, and 117 stand rejected under 35 U.S.C. 103(a) as being as being unpatentable over Tomita et al., in view of LaJoie et al., and further in view of Young et al. (U.S. Patent No. 5,808,608). For at least the following reasons, Applicants respectfully traverse this rejection.

The addition of Young does not cure the deficiencies of Tomita and LaJoie discussed above. Therefore, Applicants submit that dependent claims 91, 104, and 117 are allowable as a

matter of law for at least the reason that claim 91 contains all the features and elements of independent claim 82; claim 104 contains all the features and elements of independent claim 95; and claim 117 contains all the features and elements of independent claim 108, which Applicants believe to be allowable. For at least this reason, Applicants request that the rejection of claims 91, 104, and 117 be withdrawn.

**CONCLUSION**

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby respectfully requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all finding of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all finding of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney at (770) 933-9500 to expedite prosecution of the present application.

Respectfully submitted,

/sbg/  
Suzanne B. Gagnon  
Registration No. 48,924

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500